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U.S. DISTRICT COURT
DISTRICT OF MASS.

January 7, 2010

VIA FedEx

The Honorable Patti B. Saris
United States District Court
for the District of Massachusetts
Courtroom 19, 7th Floor
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: *In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456; The City of New York, et al. v. Abbott Laboratories, et al.*

Dear Judge Saris:

Plaintiffs, the New York Counties, including the City of New York and defendant ETHEX Corporation have reached a settlement in the above referenced matter. Currently pending before the Court in this matter are cross motions for summary judgment filed by Plaintiffs and ETHEX relating to ETHEX's FUL drug (ISMN). The parties agree that the cross motions as to ETHEX are now moot in the New York litigation and each party withdraws its respective summary judgment motion as to ETHEX and the ETHEX FUL drug in that case. The parties have filed an Order of Dismissal of Defendant ETHEX Corporation and a Notice of Voluntary Dismissal of Plaintiffs' Claim Against Defendant ETHEX Corporation. Please let us know if the Court has any questions regarding the settlement or dismissal.

Respectfully,

Peg Donahue Hall

Cc: Joanne Cicala
Daniel Hume
C. Michael Moore